

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-683

November 27, 2002

TELEPHONE COMPANY OF
CENTRAL FLORIDA
Request for Waiver of Chapter 292

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

On November 4, 2002, Telephone Company of Central Florida (TCCF) filed a request for a waiver from the requirements of Chapter 292, Section 13(A) of the Commission's rules. According to TCCF, a waiver of Section 13(A) is necessary to prevent the financial hardship that implementation of this Section would require. TCCF will continue to provide written notice of its intent to disconnect to its customers. The written notices will comply with the requirements of Chapter 291, Section 12. This Order grants TCCF's waiver request.

II. STANDARDS FOR GRANTING AN EXEMPTION UNDER CHAPTER 292

Upon the request of any person subject to this rule or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of the Consumer Assistance Division, or the Hearing Examiner assigned to a proceeding related to this Chapter, may grant the waiver.

III. TCCF'S REQUEST

On June 19, 2002, the Commission adopted new consumer protection rules – Chapters 290, 291 and 292. Chapter 292 applies to all Interexchange Carriers (IXCs) in Maine. The Commission allowed IXCs until November 1, 2002, to transition their operations into compliance with Chapter 292.

Chapter 292 allows IXCs to suspend or disconnect a customer's interexchange service without providing written notice in advance of the suspension or disconnection. Instead of advance written notice, Section 13(A) of Chapter 292 requires IXCs to include a recorded message on a customer's suspended or disconnected pre-subscribed toll service line. The message must inform the customer that the service has been suspended or terminated, provide a toll-free number to reach the IXC, and inform the customer of the ability to complete toll calls using another carrier's dial-around service or a prepaid calling

card. The message must remain on the suspended line for 30 days following disconnection.

Previous to the effective date of Chapter 292, IXCs were required to comply with the written notice procedures of Chapter 81, which requires 14 days notice. Chapter 81's notice requirements were copied into Chapter 291, which applies to competitive local exchange carriers. In its Request for Waiver, TCCF stated that it does not have available funds for implementation of Chapter 292, Section 13(A) and requests that it be authorized to continue to provide 14 days written notice to the customers in advance of suspension or disconnection of the service.

IV. DECISION

I find that there is good cause to grant TCCF's waiver request. The written notice requirements of Chapter 291 are generally more protective of customers than Chapter 292 and are consistent with the intent of Chapter 292. Granting the waiver will alleviate TCCF's concerns regarding financial hardship and customers will receive more, rather than less, notice of disconnection.

Accordingly, it is

ORDERED

- 1) That TCCF's request for a waiver from Chapter 292, Section 13(A) is granted, and
- 3) That TCCF comply with the notice requirements of Chapter 291, Section 12.

Dated at Augusta, Maine, this 26th day of November, 2002.

BY ORDER OF THE HEARING EXAMINER

Trina M. Bragdon